
1990s

The Gavel

11-1992

1992 Vol. 41 No. 2

Cleveland-Marshall College of Law

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THE GAVEL

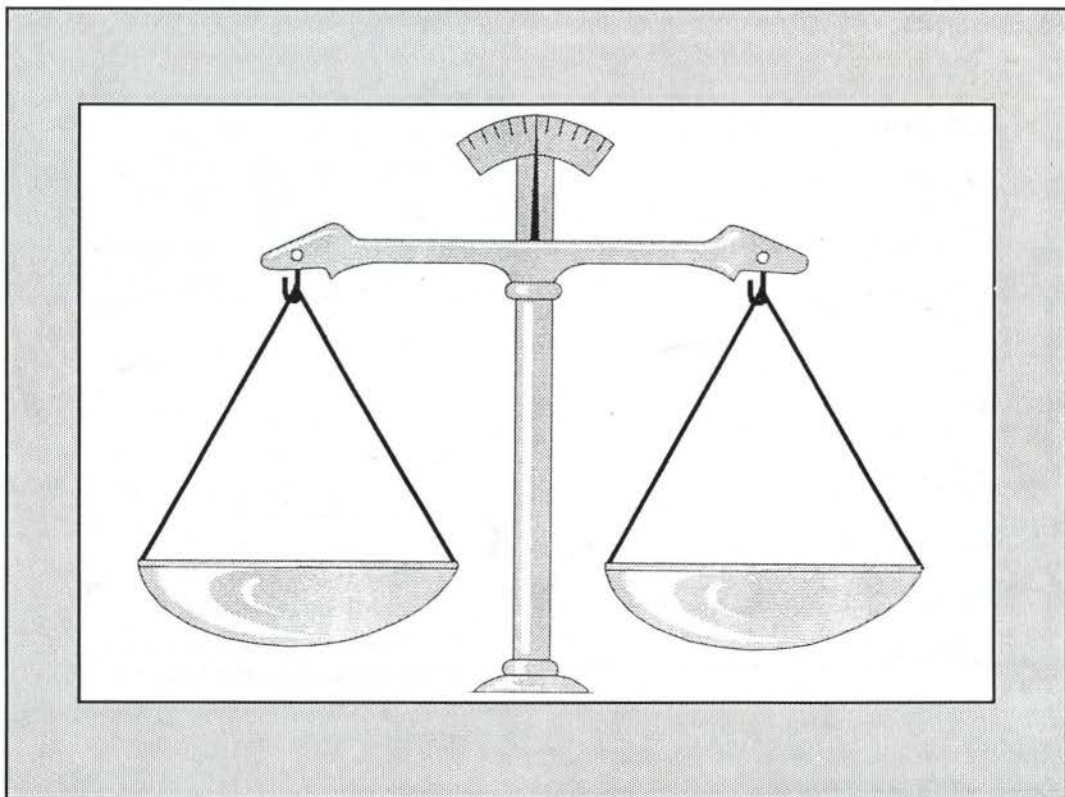
VOLUME 41, ISSUE 2

CLEVELAND-MARSHALL COLLEGE OF LAW

NOV./DEC. 1992

HAPPY HOLIDAYS!

GOOD LUCK WITH EXAMS.



The Next Gavel Deadline...

Friday

February 26, 1993

Happy Holidays

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Kimberly A. Bartlett, president of the North Coast Young Republicans, was incorrectly identified as being an attorney in the October issue of *The Gavel*.

The Gavel

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We need reporters, photographers, editorialists, cartoonists and those of you who are handy with a word processor. Staff members qualify to participate in Editorship elections at the end of the year. Three editors are elected, each receiving a full tuition stipend from the University.

If you are motivated by the need to create, or the need to remedy your unfortunate financial position, *The Gavel* can be an excellent vehicle for meeting those needs. After all, you can't spend every waking moment studying, can you?

C-M'S ACCREDITATION THREATENED DUE TO LACK OF FUNDS

By Desmond Griswold

Cleveland-Marshall's grip on its accreditation status is being jeopardized because approximately \$415,000 that Cleveland State University agreed to spend at the law school this year has not been budgeted for.

The majority of the \$415,000 was to be used for faculty pay raises and to hire additional personnel in the law library. Low faculty salaries and deficiencies at the library were among several problem areas the American Association of Law Schools and American Bar Association accreditation team cited after it visited C-M last year.

Following the AALS/ABA accreditation visit, the university assured the accreditation team in a series of letters that about \$900,000 in additional funds would be added to the law school budget this year to rectify some of the problem areas. The university told the accreditation team that these commitments would be made at a time when the budgets of other university departments would be slashed.

"These...commitments...are particularly significant given the funding uncertainties for next year," the university said in a March 5, 1992 letter signed by former CSU President John Flowers and acting President J. Taylor Sims. "It is possible that our university will be cutting budgets at the same time these commitments are being implemented. We have explained these issues to our board of trustees and have their full support for these commitments. Furthermore, we are publicly announcing these commitments to the law school and to the legal community. They will be fulfilled."

In a May 26, 1992 letter signed by Flowers, Sims and C-M Dean Steven Smith, the university wrote, "Evidence of the university's determination is that it made these commitments in the face of state budget cuts. The plan will be fully implemented in the time described, and we would immediately inform the committee if there were any deviation in completing the implementation."

Of the additional \$900,000 promised to be spent at the law school this year, \$300,000 was to be spent on faculty salaries to make them more competitive with

salaries at other law schools. The raises were to take effect last July. Another \$115,000 was to be spent primarily on hiring additional library personnel. Although the \$415,000 earmarked for pay raises and library personnel has not been budgeted for, the balance of the \$900,000 in commitments has been transferred to the law school budget, according to Smith.

When asked if the university has notified the accreditation team that the salary raises and library hiring had not been implemented as promised in the May letter, Smith said no. But the dean said he was hopeful that the university can find a way to follow through with the \$415,000 in commitments before the university has to file its next report with the accreditation team later this month.

Smith and Sims said that when the promises were made to the accreditation team last spring, university officials acted in good faith because they thought the money would be available. A decline in university-wide enrollment, however, has created a shortfall and consequently there is not enough money available at this time to follow through on the \$415,000 in commitments, Smith and Sims said.

Sims said that all the commitments made to the accreditation team will be followed through on, but at a slower pace. "We are now forging a plan to extend the time period to implement salaries," the university president said. "The university has every intention of fulfilling its commitments."

Accredited law schools are reviewed every seven years to see if they deserve to be reaccredited. Although only one accredited law school has lost its accreditation status in the past, Smith said C-M should be concerned because of a new "probation" mechanism recently adopted by the accreditation body. Currently, one law school is on probation and another might be placed on probation, Smith said. Students attending unaccredited law schools are not permitted to take the Ohio bar exam.

Smith said the accreditation process is normally a slow one, but "where a school has made unconditional commitments - promises - and then doesn't follow

through with them, that might speed the process up."

Procedurally, C-M can look forward to two possible actions to be taken by the accreditation team when they next meet in January, Smith said. The accreditation team can appoint an investigator to elicit facts used to determine whether the school is in compliance with the accreditation board's standards. The other alternative is to hold a "show cause" hearing where the university is required to show why the school should not be placed on probation or be removed from the list of accredited law schools.

NBC EXECUTIVE / C-M GRAD RETURNS TO CLEVELAND

By Steve Luttner

Television news organizations did a better job covering the 1992 presidential election than they did in 1988, according to an NBC News executive and Cleveland-Marshall graduate.

Timothy J. Russert, senior vice president of the network's news operations, was in Cleveland last month to speak at a political seminar at John Carroll University. Russert, a Buffalo native, earned a law degree at C-M and an undergraduate degree at John Carroll.

"We were very much taken in by the photo opportunities" during the 1988 campaign, Russert said. "I think in 1992 you saw a profound difference."

Russert also is chief of NBC News' Washington Bureau and is the moderator for the weekly "Meet the Press" news-interview program. He gave the national electronic media a C-minus for its 1988 campaign coverage. He said this year's coverage merited a B-plus, partly due to more substantive television news reporting.

The 42-year-old said NBC did numer-

FACULTY RAISES ON HOLD

By Desmond Griswold

Faculty raises that were supposed to take effect last July as part of Cleveland-Marshall's plan to come into compliance with accreditation standards have not been implemented because the university is short on funds.

About \$300,000 was to be spent on teacher pay raises this year, with an additional \$300,000 to be spent on raises during the 1993-4 school year, according to Dean Steven Smith. The pay raises were intended to make teacher salaries at C-M competitive with salaries at other law schools, which in turn would help C-M's accreditation status, Smith said.

A decline in university-wide enrollment, however, has created a shortfall and monies are not presently available to increase faculty pay, Smith said. The dean said he hopes to convince the university that money for pay raises is crucial to the law school's accreditation before next month when C-M has to file a report with the American Association of Law Schools and American Bar Association accreditation team that is reviewing C-M's status.

In the last report sent to the accreditation team on August 7, 1992, the university wrote "the first phase of salary adjustments involving \$300,000 is being implemented." Smith said the report was written in good faith because at the time \$300,000 had been set aside for pay raises. The money, however, has not yet been transferred to the law school budget. Smith said he worries that C-M's integrity will be irreparably harmed if the school is unable to follow through on the commitments made to the accreditation team.

C-M has on staff 40 full-time faculty members in any given year, Smith said. Records show that among full professors the average salary is \$71,500, and the median average is \$70,900. By comparison, full professors at Ohio State University are paid an average of \$88,200 and a median average of \$85,000. Similarly, full professors at the University of Cincinnati average about \$16,000 more than their C-M counterparts. The average salary for full professors at Cincinnati is \$87,500 and

LIST OF CURRENT FACULTY SALARIES

AMMONS	\$55,000	LANDSMAN	\$80,580
BAKER	\$75,133	LAZARUS	\$66,278
BARNHIZER	\$83,594	LEISER	\$43,169
BECKER	\$53,000	MAHMUD	\$55,060
BROWNE	\$80,154	MAREK	\$57,000
BUCKLEY	\$67,340	MOODY	\$88,735
CURRY	\$59,749	McCOY	\$58,000
DAVIS, D.	\$52,020	OLIVER	\$81,734
DAVIS, M.	\$69,846	PICKER	\$82,233
FALK	\$53,040	RUBEN	\$58,348
FINER	\$77,379	SIERK	\$62,447
FLAHERTY	\$62,996	SNYDER	\$58,566
FORTE	\$77,563	STEINGLASS	\$73,046
GARD	\$60,089	STREIB	\$74,046
GARLOCK	\$62,635	TABAC	\$68,885
GEIER	\$53,509	TORAN	\$70,907
GELMAN	\$55,693	WEINSTEIN	\$53,651
GENEVA	\$57,574	WHITE	\$67,073
GOSHEN	\$68,541	WILSON	\$63,972
GUTTENBERG	\$55,649	<u>AVERAGE</u>	<u>\$66,100</u>
<u>LANDEVER</u>	<u>\$70,846</u>		

Source: Dean's Office

Bold=high and low

the median average is \$87,300.

Full professors at C-M, however, average about \$6,000 more than full professors at the University of Akron. There the average and median average is the same, \$64,900. Figures for Ohio's other publicly-funded law school, the University of Toledo, were not immediately available.

The average and median average salaries at C-M, when assistant and associate professors are included, are \$66,100 and \$65,400 respectively, records show. The highest paid faculty member earns \$88,735 and the lowest makes \$43,169.

Smith said the proposed pay raises are needed to keep quality faculty members on board.

"We don't want this school to be a farm club for other law schools," Smith said. "The whole reason for the pay raises was to retain faculty. We have some excellent faculty members that we don't want to lose." The dean cited Marjorie Kornhauser, who left C-M last year for Tulane University, as one professor C-M lost in part due to low faculty salaries.

When asked if he was seeking out other

positions in light of the problems facing the law school, Smith said he was not. Smith, however, confided that he was contacted about a deanship at another school last month and did not summarily dismiss the proposition. "I guess they caught me on a good day," Smith said. In the past, Smith said he would routinely tell law schools that approached him he was not interested in leaving C-M.

"I don't expect to leave," Smith said. "I've always said that when I am no longer the dean I want to be a member of this faculty. I love to teach and I still want to write a couple more books."

LETTERS TO THE EDITORS:

CLEAN UP C-M

AS AN EMPLOYEE of Cleveland-Marshall College of Law, I take pride in the production of work I dispense, the communication and relationships I have with the faculty, staff and law students and the appearance of the law school.

The reason for this letter involves the latter. It is appalling to see the cafeteria area look like a pig-pen after people, primarily students finish using the tables. The failure to clean up after oneself after eating is inconsiderate and disgraceful. The area where people eat, study and relax should not be left in such a "slop."

It appears that the particular individuals who leave the cafeteria and TV area in this condition have no type of home training. No one should have to pick up after anyone else to this extent at a "professional school". I know that the housekeeping staff keeps the law building clean for a living, but let's be serious folks, this has gone beyond what one would expect housekeeping to be responsible for.

I am writing this letter to express my disappointment, anger and disgust at the way I've seen the cafeteria recently. Hopefully this letter will encourage being considerate of others and foster a neater environment.

B. Machele Dantzler

ACCREDITATION THREATENED

Cleveland-Marshall faces one of the most crucial issues imaginable. I refer to the ABA/AALS accreditation review and the subsequent commitment by CSU to provide funding toward the areas which were identified as being in need of improvement. Among these items were the law library and faculty salaries.

Pursuant to the accreditation report, the university wrote an emphatic letter of **commitment** to adjust faculty salaries to a nationally competitive level. This letter promised to fully implement new base salaries during a two year period. Beginning July 1, 1992, \$300,000 was to be added to faculty salaries and another \$200,000 was to be added beginning July 1, 1993. These increases were intended to

bring the salary levels up to par in Ohio in addition to national levels. The accreditation team that has been reviewing C-M's status over the last two years point to low faculty salaries as one of several deficiencies at the law school.

I regretfully inform you that the university is treating the law school like an unwanted stepchild. Not only is accreditation being threatened, but our talented faculty members may very well depart from Cleveland-Marshall. Furthermore, it should be noted that one of the areas that the accreditation team recognized as a strength was the high quality of our law school faculty and administration.

Needless to say, all of these issues directly affect law students. We must not stand idly by while the fate of the law school hangs in the balance. Now more than ever the students must become active and fight the injustice that is being inflicted upon us by the university.

Afshin Pishevar, SBA President

BAR PASSAGE BLUES

THIS LETTER expresses the SBA's opinion as to the current bar passage rate and how any attempt to increase the percentage should be handled.

Initially, we do not believe that academic dismissals should be used as a means to increase the bar passage percentages. There are many highly regarded attorneys and judges in the legal community who were in academic trouble at some time during their law school career. We do not think it is wise to set up academic booby traps for the purpose of dismissing students simply to raise the bar passage rate a few percentage points. We do, however, believe that research must be done to discover what the possible problems are and what can be done to remedy them.

Attempts should be made to extend special bar exam preparation options to students who are in high-risk groups. We realize that law schools may not require students to take bar preparation courses. However, an option to take additional review classes would be in the best interest of the law school community. Furthermore, this type of plan would be

more cost effective than decreasing admissions or increasing dismissals.

If reduction in class size becomes necessary, we believe it should be accomplished through more stringent admission requirements rather than through academic dismissals. Reduction after attendance is not the answer and may be economically infeasible in the face of CSU's current economic condition. It should also be noted that the size of the faculty is usually calculated in proportion to the number of students. One of our goals at the S.B.A. has been to increase the size of our faculty and this will continue to be our goal.

To conclude, C-M's 78% first time bar passage rate should not be cause for alarm. We are a "blue collar" law school which has a strong night program, an expanding faculty and an affirmative action program. We should be proud of our bar passage rate as it is a reflection of our commitment to the above referenced programs. We do not need to increase our passage rate a few percentage points if it is achieved at the cost of the night program or by dismissing the bottom quarter of the class. Such actions would no doubt have a disparate impact upon our minority students. Rather, we should praise avenues which include better preparation of students for the Bar Exam.

SBA Executive Committee

THIS LETTER is in response to the SBA's recent letter concerning the current bar passage rate at Cleveland-Marshall. In the letter, the SBA expressed concern over C-M's 78% bar passage rate. On the surface, the SBA letter seemed to commendably recommend that the bottom 25% of the student body should not be dismissed as a result of the mediocre passage rate.

But, as with all minorities and night students who have worked hard to strike the balance between full-time employment and part-time legal studies, we felt insulted and angered that we were arbitrarily characterized as a high-risk group as it pertains to bar passage rates. While we applaud the SBA's attempts to try to remedy the bar

C-M HOLDS FORUM ON DRUG HOUSE BOARDUPS

By Desmond Griswold

Boarding up suspected drug houses without a hearing is needed to rid crime in city neighborhoods, according to supporters of the policy. But critics complain such drastic actions infringe on constitutional rights.

Ramifications of the Ohio attorney general's Operation Crackdown and the city of Cleveland's Drug House Task Force were discussed last month at a forum sponsored by the Student Public Interest Law Organization of Cleveland-Marshall.

Kevin O'Neil, Ohio legal director of the American Civil Liberties Union, told an audience of 70 in the Moot Court Room that a hearing should be held before a house is boarded up to protect the due process rights of residents and landlords.

"The effectiveness of a law enforcement technique is not proof of its constitutionality," O'Neil said, attributing the quote to former U.S. Supreme Court Justice Thurgood Marshall.

The Ohio attorney general's office uses a 1917 nuisance abatement law to board-up suspected drug houses. Tom Merriman, director of the attorney general's Cleveland office, said drug trafficking is looked at by government as "a modern-day public nuisance."

Under the law, owners of the properties are not notified in advance of the board-up. In order to get court permission to board-up a house, Merriman said three steps are followed. First, police make a fresh "buy" of drugs. Then police get a search warrant. The next step is to get a judge to issue a temporary restraining order, which empowers law enforcement to board-up the house.

It is only after a house is boarded up that property owners are entitled to a hearing. To get the boards removed, owners must prove to a judge that they were not aware that drugs were being sold out of their property. Operation Crackdown recently boarded up its 300th house.

Only houses that have a chronic history of being used to sell drugs are targeted, Merriman said. "We don't go after the house where someone's teenage daughter sells a joint of marijuana in the backyard," he said.

O'Neil said that the attorney general's office is being too reactionary in its approach.

The better approach, he said, would be to use the search warrant to remove all illegal contraband from the house including drugs, paraphernalia and firearms. Then, within 10 days, a hearing pursuant to the 14th Amendment would be held to determine if the house should be boarded up.

In this way, the government could argue its case and the property owner would be given a chance to respond, O'Neil said. "If the judge finds the house is a nuisance after hearing both sides of the story, then the house is boarded up," he said.

Cleveland Law Director Danny Williams said the city's Drug House Task Force differs from Operation Crackdown in that board-ups are conducted on the basis of building code violations. He said police who raid drug houses are trained to notice code violations. If there are substantial violations, building inspectors are called in to determine whether the house is a danger to occupants. If inspectors conclude that a house is a danger, the house is then boarded up, he said.

LETTERS; continued from page 5.

passage rate, it should take steps to make sure that the source of its information is disclosed when it makes statement such as dismissing the bottom 25% of the class would "no doubt have a disparate impact on our minority students."

We also take issue with certain vagur terms that were used in the letter, such as "high risk groups." To look at that term without a definition brings connotations of racist views that we find hard to rectify with an SBA executive committee that consists of at least two minority members.

This is not intended to be an entirely racial issue because the evening program was also discussed in the SBA's letter. What was not mentioned in the letter was that evening students have a higher grade point average than full-time students overall. But based on the SBA's opinion, evening students need "more" preparation to take the bar exam.

No correlation was mentioned between grade point average and bar passage rates to justify implementing "optional" bar review courses. In addition, the SBA letter failed to break down class ranks to justify an across-the-board ranking of minorities and evening students at the bottom 25% of the class.

Law school has taught us to analyze facts and come to a conclusion based on applicable law. It has also taught us that hearsay is inadmissible. When dealing with sensitive issues such as the reasons for a low bar passage rate, we all need to be on the same page and make sure that opinions are supported by credible data that will not leave the door open for biased speculation.

Arthur R. Frazier
Donald Rice

IT TROUBLES me that my efforts to represent the students' interests has been misconstrued as an attack upon or a denigration of night students or minorities. My memo was not intended to place the onus of remedial measures upon the shoulders of any students but to encourage the school to consider a more introspective review of the curriculum and instruction. To be able to remedy the bar passage rate I suggested that research must be done to identify the "high risk groups." My fears were that some people would react to the mediocre bar passage rates by attempting to implement draconian measures to dismiss the lower 25% of the class. Such suggestions have been made before. The memo was intended as a preemptory strike against any such knee jerk reactions.

For the record, the above SBA memo was published only after consultation with a minority faculty member and executives of the Black Law Students Association. The memo was also well received by the Alumni Association including the co-chairman of the Minority Concerns Committee. They believe that my suggestions are squarely on point and in the correct direction.

I intend to continue protecting my constituency in the future no matter how conflictual the issue or whose egos I might bruise. Let me conclude by saying that I appreciate your input and hope that your needs will continue to be addressed by the SBA.

Afshin Pishevar

C-M RANKS LAST IN BAR PASS RATE

By Jon Sinclair

A last-place performance by Cleveland-Marshall graduates on the July bar exam has caused renewed pondering by administrators, faculty and students for explanations of why C-M has ranked in the bottom third of Ohio law schools on five of the past six bar exams.

Explanations for the poor results run rampant. Many attribute the poor results to part-time students, weak academic regulations and poor admission standards. The results of the July exam has prompted many proposed solutions to the problem, including one professor's recommendation to dismiss the bottom quarter of the class, which would have included all students with a GPA below 2.51 in the class of 1992.

While some action may be taken to address the poor results, eliminating the bottom quarter of each class will not be considered, according to Dean Steven Smith. "This school will never adopt such a policy," Smith said last month.

Professor Stephen Werber, former chairman of the Special Committee on the Bar Examination, agreed. "Such a policy will never be passed by this faculty," said Werber.

The current chairman of the Special Committee on the Bar Examination, Professor David R. Barnhizer, attributed the poor performance to the characteristics of the bar exam and the lack of rigorous preparation by some Marshall graduates.

"The Bar rewards those who are excellent test-takers," said Barnhizer. Those who sit for the Bar need to "demonstrate a concise and in-depth understanding of law in a very short frame of time," Barnhizer said. Points are awarded to sound-bite recitations of law, which is incongruous with the traditional teaching and testing methods found in law schools. Intensive preparation is required in order to answer the demanding essay and multiple choice question, he added.

Characteristics of C-M's student body sometimes prevents adequate test preparation, Barnhizer explained. "Unlike many other law schools, Marshall does not predicate admission only on (LSAT and GPA) numbers," he said. C-M prides itself on admitting students of diverse backgrounds, including those from difficult economic situations and those with major family responsibilities, according to Barnhizer. "Many graduates are forced to load up on clerkships to support themselves and increase their chances of being awarded a permanent position," he said, adding that this prevents the devotion of time which is essential to prepare for the rigorous exam.

Werber agreed with Barnhizer. "Marshall has always been a school of opportunity," said Werber. "A few years ago, one particular applicant had such a low LSAT score he barely got in. Yet, he later became editor of the Law Review."

Given an admissions policy which provides an opportunity to these risky applicants, Marshall needs to provide exam preparation assistance and also implement academic regulations which weed out students who do poorly, said Werber. "The committee I chaired recommended proposals which would make it easier to dismiss students who do poorly in law school and more difficult to readmit them," he said.

Effective this semester, students who have a cumulative grade point average of 1.75 or lower will be dismissed. Even with this

new policy, Werber said the school also needs to provide seminars and other programs to help prepare students for exams, including the bar. These preparation sessions, however, have yet to be uniformly instituted at C-M.

But even if the school did implement bar exam preparation sessions, participation by students is not guaranteed. Assistant Dean Melody Stewart sent letters to Marshall exam takers in 1991 offering them an opportunity to participate in fully simulated exam sessions at no charge. The program included alumni volunteers and legal writing instructors who graded the practice exams. Stewart said she was surprised by the poor participation. "I believe only 15 to 20 students took advantage of the essay sessions," said Stewart. "We even found Case Western law students trying to sneak into the free program."

Not all members of the faculty and administration view C-M's admission of applicants with lower LSATs and GPAs as a chosen policy to "offer opportunities" to students of "diverse" backgrounds. Rather, C-M has admitted risky students with diverse backgrounds and lower LSATs because they didn't have any choice, they say. One professor said he recalled a former admissions committee member saying in the mid-1980s that the school "was approaching an open admissions policy, admitting almost any applicant with a bachelors degree." Admission records show that C-M accepted three of every four students who applied in 1985.

In other words, C-M's "diverse" student body was a result of a lower-quality applicant pool. Admitting applicants with low LSAT scores and low GPAs was necessary because Cleveland State University couldn't afford to subsidize a smaller law school of higher-quality students. Records show that over the past eight years, C-M has consistently fluctuated the acceptance rate to maintain a class of slightly more than 300 students. According to one professor, C-M was probably admitting marginal students which the bar was designed to weed out. "Some students don't do well in law school or on the bar simply because they do not have the capacity," the professor said.

This argument can only partly explain the poor performance on the July 1992 exam, however. This is because C-M accepted the same percentage (50%) of full- and part-time students who applied to enter the class of 1992. Yet, the full-time students did significantly better than their part-time counterparts. Of the full-time students taking the bar for the first time in 1992, 83% passed compared to the 59% pass rate for first-time, part-time students.

Whatever the reasons for the poor performance, the school is preparing to increase the pass rate on future exams. Dean Stewart is examining whether to offer another bar preparation seminar like the one in 1991. In addition, Director of Admissions Margaret McNally and the admissions committee has significantly improved the quality of the student body over the past decade. The school is now much more selective of students, accepting only 35% of those who applied to the 1995 class.

For a statistical analysis of OhioBar Examination pass rates at Ohio law schools see pages 15 and 16.

THE CASE OF THE MISSING CHECK

By Janice C. Breen

How many people out there are aware that there are a lot of budget cuts being made. Let's see a show of hands.

Come on now, don't be shy, let's see those hands go up. Just what I thought. Nearly everyone knows about the tight financial situation Cleveland-Marshall is in, and for those of you who didn't, consider yourself informed.

Now that we are all aware of the economic hardship being experienced by the education system in general and C-M in particular, let me tell you a little story.

It all began about three years ago. A band called Tommy and the Tuxedos were given a check for \$900 as a deposit for their planned performance at the 1991 Barrister's Bash held at Windows on the River.

How many of you third years remember the band? Pretty good right? Worth about \$1,800, right?

Wrong. Try \$2,100. In fact, Tommy and the Tuxedos were so good that the SBA Executive Committee decided the night of the Bash to up the band's contracted amount of compensation by \$900. In consideration for this extra money, the band would play longer. Well, at least that's the story I've been given.

Would you like to know some background on this apparent generosity of our elected executives? I thought you would. So I've taken the time to set it down in writing so that you may contact our current SBA Executive Committee to tell members how much you admire the way they are caring for your money.

Let me emphasize that it is the executives who you should contact. As a third-year representative, I have already expressed my concern over the extra \$900.

At the end of the 1991-92 academic year, the SBA Senate was given the following information by the Executive Committee. Tommy and the Tuxedos were to be paid \$1,800, which included the \$900 given as a deposit. But out of either neglect, oversight or naivete, the band was given a check for \$1,800 the night of their performance. Which of the above three words used to describe the issuance of the second check depends on which rendition of the facts you believe.

At the time the SBA Senate was first informed of the extra money, we were told that the check for \$1,800 was issued out of neglect. OK, I'll be kind, oversight.

It was also mentioned that the \$1,800 check might have been written on the belief that the \$900 deposit check would then be returned.

In any event, I was led to believe that the \$1,800 check should not have been issued and the Tommy and the Tuxedos had no right to the \$900 in extra compensation. Subsequently, the SBA Senate voted to initiate legal action to recover the \$900. Unfortunately, this happened just prior to the end of the school year and nothing took place over the summer.

When the present school year began, there was an entirely new Executive Committee, only one member of which was enrolled at C-M when the extra check was issued.

No problem though, right? Any efficient executive committee keeps accurate records of the funds it had disbursed and copies of the checks and bank accounts for which it is responsible, right? Guess again. Since the beginning of the year, the current SBA treasurer, Mike O'Neil, has been asked to comment on the state of the court action which was to be initiated by the Senate against

the band. Also since the beginning of the year, the Senate has been told that O'Neil is unable to locate any records of the check for \$1,800. In fact, he is unable to locate any records of any checks or even of the account from which the check was issued.

The fact that the records were not in the SBA office is not O'Neil's fault since he was not a member of the SBA when any of this took place. However, the SBA treasurers for the previous two years are still in school. Elaine Eisner-Walton was treasurer the year the extra \$900 was given to the band, and Mark Gibbons was treasurer the year the Senate decided to sue. All O'Neil should have to do is ask the past treasurers for the records and he can proceed with getting our money back. Right? Apparently not.

At the November SBA meeting, in response to a question on the state of the legal situation, O'Neil came up with a new set of facts. After nearly a year and a half of saying that the band was inadequately given an extra \$900., the story suddenly changed. O'Neil said he had conferred with Eisner-Walton, who was the SBA president when the Senate voted to initiate court action to recover the money, and had been told that the band was given the extra \$900 because they agreed to play longer.

OK, how many of you third-year students went to the 1991 Barrister Bash. I did but unfortunately I left early so I can't tell you how many extra hours the band played. Let's try and figure it out though. The Bash started at 7:30 p.m. and had to have been planned to go to at least midnight. Windows on the River closes at 2:00 a.m. So that leaves two extra hours the band could have played. At that rate the band was paid an extra \$450 per hour. That is, if they played until 2:00 a.m. Were they worth it? Let me know, maybe I'll feel better about this sudden change in the facts.

Personally, I believe that the change in facts are an attempt to quickly and easily deal with a problem that the Executive Committee is either unable or unwilling to resolve. Considering the response I received from O'Neil at the Nov. 5 SBA meeting, the word I would choose is unwilling.

At this meeting, I asked O'Neil if he could restate the reason why the issue was no longer being pursued. He again told me the additional \$900 was justified because the band played extra hours. I then asked him when this change in facts occurred and he again told me of his conversation with Eisner-Walton and of his inability to locate any records of the transaction. O'Neil also informed me that he had done all he was going to do in the matter.

So do you get the same picture that I do? C-M and the education system in general is facing severe budget cuts. In fact, the SBA Budget Committee is encouraging various student organization to sponsor fund-raising activities to help pay for their programs. All this at a time when the SBA is going to write off a check for \$900 because the current treasurer feels he has spent enough time on the matter and has decided that he will not work on the problem any longer.

That's my story and you know about the response I got when I expressed my concern. Now it's your turn. Stop by the SBA office and ask your elected officials what they know about the story. Who knows maybe there's a third set of facts floating around out there.

Breen is a third-year SBA Senate representative

OUR LIVING CONSTITUTION

By Joe Jacobs

Every philosophy of government can be traced to where the balance between the individual and his community should be struck. Inevitably, the issue is in deciding where one's pursuits begin to interfere with the community, and where a community goal conflicts with personal liberty. Sadly, this standard is not reflected in the political scene of America, and is ignored here at Cleveland-Marshall.

The Democratic Party fights for the individual when it comes to her civil rights at the same time it picks her pocket with taxes. This inconsistency attracts many to the Republican Party, which defends a person's right to make as much money as she can with as little interference from government. However, we invariably find Republicans behind legislation limiting individual rights.

These parties have chosen differing combinations of positions on two issues: the economy and the individual. Here lies the fallacy of this two-party system since every economic policy affects the individual by limiting to some extent his freedom. Both parties defend individual freedoms, sometimes; neither is consistent.

Where would our Founding Fathers fit in our present political scheme? James Madison, George Washington, Thomas Jefferson, Alexander Hamilton, Ben Franklin, Thomas Paine, John Adams and Patrick Henry shared one similar cause - the right of an individual to pursue life, liberty and happiness, free from government oppression in all its forms. The American Revolution and its progeny, the U.S. Constitution and the Bill of Rights, remain the achievement of Anglo-European history for this reason.

For once, a framework was set to completely limit government by listing what it was permitted to do. When this plan did not calm the fears of the ratifying states, a list of inalienable rights was decided as those basic liberties each man was guaranteed. (Here, the obvious fault of the framers was in not recognizing that all persons enjoy these rights). Beyond this, Madison added the Ninth and Tenth Amendments which declared that even as they had listed some of these inalienable rights, it was by no means complete. All rights not conferred to either the national or state governments by the constitution was reserved by the people, the individual.

Of course, language is necessarily limited to the precise moment it is recorded. The text of the Constitution "constitutes" the attempt to codify the spirit of the revolution which was "Don't tread on me." The common cause of our founding fathers was individual liberty. And it is this intention that gives the text its meaning.

Yet, how often do we read court decisions citing the Federalist papers, or the many other available writings of the framers? Instead, judges long ago freed themselves to choose precedent set by other courts as their basis for judgment. With 200 years of cases passed on, they have plenty to choose from. That, my friends, is very different than a government limited by a constitution. It is government by the government, as it chooses.

It is the same tyranny so common throughout history.

If you think the constitution has immunized us from dictatorship, try again. As justices turned from the framers' intent toward precedent-driven interpretation, they opened the door to an infinite number of meanings to give words like "necessary" and "reasonable."

The balance between an individual's pursuits and a community's limitations on them were once set in stone as our Constitution, a lasting guarantee of certain freedoms. That is our distant past. We live instead with a judiciary that slowly changes the law with every decision, as they see it, using their favorite precedent to follow. Our "living" Constitution is clay in their appointed hands. Our contract is altered by only one side of the bargaining table. Our guarantee is now as good as our judges.

As students, what are we so diligently memorizing - merely the history of court decisions? Have you found your teachers continually challenging you to analyze and question the deep-rooted philosophies at the source of these decisions? Oh, sure, but how would we fit all that in our outlines?

C-M GRAD PICKED TO HEAD CSU ALUMNI ASSOCIATION

Cleveland-Marshall graduate John J. Sutula has been elected president of Cleveland State University's Alumni Association.

Sutula, a 1953 C-M graduate, has enjoyed successful careers as both a businessman and a lawyer.

While working for the General Electric Co. for 22 years, Sutula rose to the position of personnel accounting manager, where he was responsible for payroll and associated activities for 12 G.E. manufacturing plants.

He left G.E. in 1970 to start his own law practice, John J. Sutula & Associates. Sutula became a partner in the law firm of Chattman, Garfield, Friedlander & Paul in 1989 when both firms merged.

Sutula has been an active member of the CSU Alumni Association's Board of Governors. He has also served as a trustee of the C-M Alumni Association, serving as its president in 1988-89.

C-M T-SHIRTS NOW ON SALE

The student chapter of the American Bar Association is now selling grey colored T-shirts and sweaters with a dark green Cleveland-Marshall logo across the front. The "Hanes Beefy-T" T-shirts are \$10, and the "Lee's" are \$32. To place an order, stop by the ABA office or contact Karen Salvatore.

CLINTON ADMINISTRATION TO FAIL

By Miles A. Camp

Having been politically active all of my adult life, I am confused in some aspects of this most recent election. However, I can take heart in the fact Bill Clinton won. Not because I prefer or even like the governor of Arkansas, but because two good things will come from his presidential victory.

The first thing is Jack Kemp will be president in 1996. Mark my words, it will happen. The second thing is that this administration may very well spell the end of the Democratic Party's hold on Washington.

I know most people, myself included, find it hard to believe but Congress has been controlled by the Democrats for more than 40 years. What will happen for Clinton on his first and last term, is what happened to George Bush. The major difference being this time the president will have no one to blame.

Clinton will have, as did Jimmy Carter, a Democratic House and Senate. Does anyone think for a minute that Carter did not have plans he wanted to implement? Why didn't his administration take the ball and run with it? For the same reason the Bush Administration did not. Congress is by its very nature a gridlock institution and nothing is going to change this time.

Ninety-three percent of the incumbents who ran for Congress were re-elected. And to top it all off, most states passed term limits for their representatives, and then went on the re-elect career politicians like John Glenn. No disrespect to Senator Glenn - he was a fine astronaut. The problem is everyone hates the Congress, but loves their congressman. The problem really rests in the corrupt voter mentality that says, "So what if my representative is a crook, as long as he or she does right by me."

Does Clinton, or any of his supporters, think this attitude is going to allow him to do what he has promised? Does he really think for a minute that career politicians like Ted Kennedy are not going to expect a return for keeping out of sight during his campaign? Or that Senator Byrd is going to give up the 51% of the national highway budget that goes to his state for Clinton? Nothing is going to change for the president-elect.

It has already been said, by many Democrats, that the federal government has its back against the wall and had better govern this time. Maybe the American people will wake up and realize that what is good for our district may not be good for the country.

Maybe we will come to realize, when Clinton can't get anything done, that it is not the president who runs the country. Maybe we will come to see that the deficit is as much, if not more, the responsibility of those who control the purse strings - the members of Congress. Maybe we will come to the conclusion that we do not live in a monarchy. The president, while he or she gets all the blame, does not make all the decisions. And maybe the ABA will tell Cleveland-Marshall students that they don't have to take the Bar.

STUDENT ELECTION REFLECTIONS

By Vicky Brunette

It was a cold, bitter, autumn morning, and as usual, I made my way down the city streets of Cleveland's east side, headed for school and my eight o'clock class.

My head was muddled, as the election drew near and I fretted about for whom, on both a local and national level, I would cast my ballot. I have never had a love of or for politics and Election '92 had taken a toll on my sensibilities. I was weary of the constant bickering and debates that occurred all around me.

It was warm in my car, actually too warm, and I adjusted the climate control as I stopped at a red light. Out of the corner of my eye I spotted a figure swaddled in what appeared to be layers of dirty, shabby clothing; the figure was so bundled that all I could see were her eyes. Ironically, she sat on the stoop of an old, abandoned building, beneath a local campaign sign. I could not help but stare. That traffic light was perhaps the longest 90 seconds I had ever experienced.

The skin around her eyes was weathered and deeply furrowed, evidencing many years of exposure to the elements. Those small, flint black eyes never moved; resolute. Her eyes simply stared back at me as if to say, "You are not the first, nor will you be the last, to look upon me with pity and shame." Had those eyes a voice, the accusation may not have been worded so eloquently.

What struck me about those eyes was that they were so lifeless, soulless perhaps, and beaten. There was no fight, no fire, no indignation, no jubilation.

Sadly, her eyes reflected what too, must have been her story - another product of a wonderful, yet fallible, political and social system.

As I pulled away from the light, I could not shake the specter of that woman from my thoughts. Her eyes, with all their hopelessness, were burned onto the pages of my memory.

I began to wonder how much democracy and the presidential election really mattered to that particular woman. Would Election '92 make a difference in her world? In all honesty, my guess was no. She would probably continue to live in the streets, and would most likely die in the streets.

And my own hypocrisy make me no better than the political "servants" with whom I had grown so disillusioned. Those who never seemed to implement the programs they promised, nor make a difference for those who are truly in need. For my own hypocrisy led me to drive away that morning, without reaching out to help, under the pretense that I had classes to attend, work to do, and a busy, relatively safe, warm life in which to escape.

Sometimes in my travels down Cleveland's city streets, I still see that woman slumbering under the cover of a bus stop, or rocking gently on the steps of Trinity Cathedral. But I never look into her eyes.

NEWLY MINTED LAWYERS FINDING FEWER OPPORTUNITIES IN THEIR FIELD

By Diane Solov (Plain Dealer)

Michelle Landever admits she's a little nervous.

She's a certified public accountant and sits in the top 10% of her class, but she doesn't have a good lead on a job to go with the law degree she'll have ready to frame in the spring.

"The market is just awful," said Landever, 26.

Law schools keep grinding out lawyers, but the hiring booms of large law firms have faded to history, along with Michael Milken and the deal-making of the 1980s. In the last 20 years, law school enrollment has nearly doubled to 135,000.

Today, big law firms are hiring fewer first-year associates and fewer summer interns, which is often the door to an offer for a permanent job.

With the fall hiring season drawing to a close, large law firms are deciding how many and which law students they'll invite aboard, both as interns next summer and as new associates next fall.

In Cleveland, large law firms' hiring levels have remained fairly steady in the last few years after a dive from a peak in the late 1980s.

For a majority of students, the "L.A. Law" dream of big cases and big bucks is much more elusive than it was just a few years ago. Even the best students are finding fewer opportunities. The rest are forced to lower their sights about what kinds of jobs are gettable.

One student, who sits respectably in the 40th percentile of her class at Case Western Reserve University, said she had trouble getting interviews with firms. The student, who asked not to be identified, said she's viewed as a risk compared with colleagues at the top of her class.

"You feel like you've worked so hard, and you work so hard to sell yourself," she said. "I think they want the safest bet they can get, and that's usually at the top of the class, law review."

The trendlines on the national employment picture are heading in the wrong direction for fresh grads.

A recent survey of 175 law schools and 825 legal employers conducted by the National Association of Law Placement found that 86% of 1991 grads found jobs six months after graduation. That's down 6 percentage points from a peak of 92% in 1988.

Fewer law school grads are landing full-time jobs practicing law. The NALP survey found that only 76% of the 1991 grads had full-time legal positions six months after graduation, down from 82% in 1990.

It's tough out there. So tough that even students lucky enough to have offers show less joy than empathy for less fortunate classmates still sweating it out.

"People are feeling stressed," said Mark Griffin, a second-year CWRU student blessed with a choice of three summer offers.

The key to surefire employment at large law firms has become landing an internship after the second year of law school.

Law firms that once interviewed third-year law students now fill their permanent jobs almost exclusively from the crop of summer associates, said Louise Dempsey, assistant dean of Cleveland-Marshall College of Law.

Michael Malone, a second-year Cleveland-Marshall student in the top ranks of his class, had about 15 interviews for summer jobs and a couple of second interviews. Although optimistic that something will come through, he's already lowered his hopes for getting a permanent job at a major firm.

"If you do not get a summer associate position, your chances are considerably diminished," said Malone, 29. "Now I'm on Plan 'B.'"

Calfee Halter & Griswold is one of the many Cleveland firms that hires exclusively from its summer intern program. It will hire a half-dozen new associates for next fall and about the same number for next summer.

"We want to be able to say to our summer associates that if he or she performs well, an offer will be awaiting them at the end of the summer," said David Goodman, hiring partner of Calfee, which just hired six people to permanent jobs.

"We've had an opportunity to work with them, they've had the opportunity to see us. It reduces the possibility for an unhappy surprise for either the associate or the firm."

The reality is that prospects for getting a job at a big law firm with a fat paycheck are dim for students unable to snag a summer try-out job.

Left for the third year of law school as an unnerving uncertainty.

"People go through their last year of law school without that sense of security that used to be common five or six years ago," said Alan Yarcusko, a third-year CWRU student who's accepted a job at Porter Wright Morris & Arthur's Cleveland office upon graduation.

Some students make their own security. Cleveland-Marshall student Rene Smith, keenly aware of market conditions, took matters into her own hands.

Smith joined a mentor program and an alumni group so the right people could get to know the person behind her resume, which boasts a computer engineering degree and a master's in finance. The strategy worked: Smith landed a job at Climaco Climaco Seminare Leftkowitz and Garifoli.

Others, too, will find good jobs. Large law firms make the bulk of their law school hires for the following summer and fall between Labor Day and Christmas, but smaller firms are on the lookout year-round.

With small firms gambling more on each new lawyer they hire, many wait for new grads to pass the bar exam before making a pick. The latest bar results came out last month and will likely open doors for many jittery grads of the class of '92.

Clearly, it's a buyer's market. The lopsided supply and demand gives Cleveland firms an edge in recruiting top-notch students who would have been lured to New York, Chicago and Los Angeles in the '80s.

"There is almost as much competition for those top students," said Frances Floriano Goins, hiring partner at Squire Sanders & Dempsey. "(But) there is a bigger pool of students that are interested in Cleveland."

Even local are regional firms in Cleveland are finding stacks of impressive resumes from which to choose.

"In this kind of economy, where big cities like New York, Chicago and L.A. are hurting, we're seeing a much higher quality

NEW LAWYERS; continued from page 11.

student," said Alan Kopit, hiring partner of Hahn Loeser & Parks, which will hire up to six permanent and six summer associates in Cleveland.

Michael Diamant, the hiring partner at Kahn Kleinman Yanowitz & Arnson, another Cleveland firm, said he receives a dozen resumes a day from students with no Cleveland connection. More than 150 students at Boston University applied for interviews, he said. The firm will probably hire two new associates and two second-year students for the summer.

"It's kind of sad when you see some of the kids out there who are really desperate," Diamant said. "Now, most of the people you see are really qualified. Picking among them is much harder, but you're less likely to make a mistake."

Another bonus for the firms: recognizing that the job market may not be what it was four or five years ago, more students take their summer jobs seriously, said Peter G. Glenn, partner in charge of hiring for Jones Day Reavis & Pogue.

The market is especially cutthroat for students who are not attending hot-shot East Coast schools. Debra S. Fink, director of career planning at CWRU, said the number of "amazing people from amazing schools" who now apply to Midwest firms steps up the competition for grads at local schools.

But for a few students, it all comes together as planned: a megabucks job is in hand when school bells ring at the start of the third year of law school.

Yarcusko is a case in point, although his resume consumed more ink than most law students'. At 30, he's coming out of law school with an undergraduate degree in electrical engineering and time in two real-world jobs, including one at Texas Instruments.

Yarcusko figures the work experience and engineering degree gave him an edge. Last year, he had expected three offers for a permanent job when he chose Porter Wright.

"People at the firms do value business experience," he said.

Ditto for CWRU student Trish Lantzy. At 33, she logged eight years in the oil and gas industry before going to law school. Now in her second year, she's already got two offers for a summer job, one in the law department of Ernst & Young and another from Squire Sanders.

Top grades, law review and well-rounded experience have always been the best ways to land a top job in private practice. Too bad it's probably too late for many law students to heed what may be the best advice:

"People need to be more realistic about law school as an option," said Tom Onusko, hiring partner at Arter & Hadden. "We shouldn't be pumping so many bright and talented people into law school. We just don't need that many lawyers."

This article first appeared in the Plain Dealer

REFLECTIONS FROM REFERENCE

By Marie Rehmar

Hang in there first-year students. It's normal that your research assignments take longer than you anticipate. You are not just finding out the answers, but you are also getting to know the types of materials that are the tools of your trade and the processes of using them efficiently and effectively. Eventually, with experience, you will have developed confidence in your skills.

I like the seriousness with which you are approaching these tasks and how you are cooperating with each other to help each other learn. Law is not just a competitive endeavor. People skills and the ability to work things out together are also important. All of us are busy and pressed for time, but by cooperating and taking an optimistic and cheerful approach, we'll be able to maintain the civilized, supportive, and pleasant atmosphere that I believe facilitates achieving our goals.

Hang in there second and third year students. It looks like you are finding out that legal research involves not just the resources that you learned about your first year. No single library, and no law library alone, can have everything that will meet your needs. Multidisciplinary approaches are frequently necessary. The Law Library does not always hold the solutions.

I also like seeing the increasing number of you taking advantage of the opportunity to become as proficient as possible on LEXIS/NEXIS and WESTLAW. Not all of the information you need may be available or easily found in a traditional printed format, and the speed of availability may be particularly important in certain situations. For those who aren't so comfortable with your online skills - somehow carve out some "play-time" to get to better know what those systems offer you. An integrated approach - manual and online - is becoming the norm.

Just as law is constantly changing, the way we access information, and the types of information available, are constantly changing. Law school is the time to internalize the concept that change is a constant in our lives.

Rehmar is a reference services librarian at C-M

QUERY OF THE MONTH

Tower City gives notice to shoppers that groups of four or more juveniles will be dispersed by security. Is this constitutional, especially since Tower City contains access to public transportation within it? If a defense of private property is raised, does it make any difference if The Avenue in Tower City was originally developed with public funds?

TALES FROM THE CITY

By Frank Krajenke

Janet and I walked to Public Square. The crisp fall temperature forced us to encamp in the sun on the Civil War monument. After some chirruping, my partner and I decided to enter the structure. Inside the musty room, I had a strange feeling, as if I were entering a sacred place. The building reminded me of a tomb, a museum, and a temple all in one - a Toumple, if you will.

The granite walls list the names of 20,000 men who served from Cuyahoga County under the Union banner during the Civil War. Since I am from Michigan, and Janet is from New York, we searched the names with only a faint hope of finding kin. I expected not to find my father's last name, as my Polish ancestors had not yet arrived in America.

Just having reached the only exit, which serves as the only entrance, we noticed a glass case to our left. The case contained mementos of the Civil War. Spying a Confederate \$20.00 bill, I told one of the old men behind the counter I owned a genuine \$10.00 Confederate note.

"Well it ain't worth nothin'," said the short, strange-looking, grey haired man.

Ed, as I later found out was his name, was missing a few teeth which made him hard to understand. He came from Pittsburgh, which also added to the difficulty of understanding him. He sold me a program for \$1.25 in Union currency. I took an immediate interest in Ed. I thought, here is a man who obviously cares about the Civil War, by donating his time to the Toumple. Yet, when I shared that I possessed a genuine rebel note, he seemed downright disinterested, bored in a quasi-confrontational way.

Unbeknownst to my friend and I, the fee included a tour of the Toumple. Ed took us past each statue: Lincoln, Custer, Sherman and Grant. Ed shared insights about each statue.

Staring at Sherman's figure, I thought it appropriate to show some of my Yankee pride.

"People down South don't like Sherman," I said to Ed.

"I know," Ed responded.

The tone he used struck me as strange, as if he bequeathed some great meaning to me. Actually I inferred three meanings from this simple, often used, phrase. **I know** they don't like him - a confirmation of an accurate statement; **I know** they don't like him. I'm glad they don't like him. If I were 40 years younger, I'd go down to Atlanta and kick some ass myself; **I know** they don't like him. Look you little shit I know more about the Civil War in my little finger then you could in your entire body.

After making this statement, Ed left Janet and I to discover things for ourselves. Janet noticed a board with newspaper clippings on it. In one article, the spouse of a Civil War veteran had died in 1989. The article said she married her 72-year-old confederate beau at the ripe old age of 16. After reading this, we decided to leave. Just as we reached the case behind which Ed stood, he blurted out, "Wanna see sumthin?"

Ed's enthusiasm and spontaneity startled me. I thought to raise my guard but refrained so as not to embarrass Janet.

We followed Ed back to the clip board. Ed showed us the obituary of the last Civil War widow. I then quipped to Ed, "I wonder if marrying such a young woman is what killed that old soldier?"

Time stopped while Janet and I observed Ed. A sinister smile appeared on his face. His eyes focused in a glazed glare. Ed didn't have to speak - his physiognomy betrayed his thoughts. He had come to the same conclusion about the aged rebel's passing. More importantly, Ed wished this fate on himself. Knowing that, I thought it best to get Janet out of the Toumple as quickly as possible, so with all politeness and speed, we shook Ed's large, white, calloused hands, said "good-bye" and left.

Imbecility. A more or less advanced decay and feebleness of the intellectual faculties; that weakness of mind which, without depriving the person entirely of the use of his reason, leaves only the faculty of conceiving the most common and ordinary ideas such as relate almost always to physical wants and habits. It varies in shades and degrees from merely excessive folly and eccentricity to an almost total vacuity of mind or amentia, and the test of legal capacity, in this condition, is the stage to which the weakness of mind has advanced, as measured by the degree of reason, judgment, and memory remaining. Campbell v. Campbell, 130 Ill. 466, 22 N.E. 620, 6 L.R.A. 167.

DON'T DESPAIR FUTURE GRADUTES

By Tom Dean

The job market for fresh law school graduates narrows and anxiety mounts concerning the question of whether you will ever find a job in the legal profession. This is the repeated saga of law students everywhere. However, it is well to remember that many have been down the road that you are travelling. In this regard, I would like to share a story from my grandfather's book *Klasatt*:

Toward the close of the first semester of my second year at Reserve, it was brought to my attention the possible opportunity of obtaining a part-time job as a docket clerk with a law firm in downtown Cleveland. This was the law firm of Mooney, Hahn, Loeser & Keough. It was the practice of that firm, as of many other Cleveland firms in those days, to have a law student as a part-time employee attend to the courthouse filings and other tasks for the firm at the courthouse. It appealed to me as a most attractive opportunity.

I was referred to Judge William C. Keough, a member of the firm who was handling that recruitment. From my first interview with him to the day of his death, Keough and I struck a very harmonious cord. Suffice to say, I got the job at what I regarded as a most handsome salary. I was to be paid \$75 a month for appearing at the office at about 12:30 or 1:00 every afternoon and on Saturday mornings (everybody worked a half-day Saturdays).

Near the close of that second year at law school as summer vacation approached, Judge Keough advised me that if I cared to work full time during the summer, doing my regular work and certain other things they had in mind, I would be paid \$125 a month; so that took care of my employment during the summer between my second and third years of law school. That fall, to my great satisfaction, the monthly stipend was not reduced and better yet, as I approached the end of my senior year, I was offered associate status with the firm at the princely salary of \$150 a month. That should not be understood, however, as a sarcastic description of my salary. Let it be recorded here that to the best of my knowledge I obtained the best associate's pay of any of my classmates who made associate connections with Cleveland firms in 1930.

So it was that I became associated with

my law firm in early January of 1929, and I have been at 800 National City-E. 6th Building as an associate and then as a partner since that time.

Hopefully, things are not so desperate as to make the job offer described above look appealing to you. In any event, that is the way my grandfather, John Ladd Dean, made the transition from law student to lawyer, and eventually to Senior Partner of Hahn Loeser, Freedheim and Dean (now known as Hahn, Loeser and Parks). So, in these times of hardship do not despair and think of the title of my grandfather's book which stands for "Keep Laughing And Singing All The Time".

Dean is a third year day student and SBA Senator.

ENTIRELY ELECTIVE

By Stuart Reich

As I'm sure this issue of the Gavel will be chock full of post-election reflections, reform projections and policy directions, I figured it would be comparatively original to suggest a change in the nature of the presidency itself.

There has been much elation/discussion/concern/dread (circle one) about the role of the first lady in advising her husband. To be sure, this is not a recent development, but with an incoming first lady arguably more competent to run the country than her spouse, the issue has taken on new relevance. Feelings seem to run from delight to disgust (self-opinion poll: which word did you circle above?).

And so my suggestion which I hope will satisfy those who think giving the first lady a voice is somehow undemocratic, to gratify those who still anxiously await a female president, to pacify those who fear an ascension to office by a less than qualified vice president, and to codify that which is bound to happen anyway. To borrow a semi-defunct idea from first year property,

I give you: The Presidency by the Entireties.

Here's how it works. Instead of voting for a president/vice president ticket, we would vote for a couple. The elected couple would jointly assume the office of President. Should one of them for any reason be unable to fulfill their duties as president (is that from Article II or the Miss America Pageant? I can never remember), the other would have a "right of survivorship" to the office. Both would have been popularly elected to the top office. Both a man and a woman would be elected president every four years (I do not here address whether homosexual couples would be electable. This whole idea still has some serious bugs to work out). Voters would be more likely to give equal consideration to both running mates than under the current system, giving us less chance of an incompetent vice president taking over the Presidency. Consultation between the first couple on important issues will no longer have to be kept secret in fear of signifying weakness or indecisiveness. And, assuming both spouses use the same surname, one name is easier to fit on a bumper sticker.

Certainly, the idea has its problems. Deciding whether unwed couples can run could lead to the Murphy Brown-thing getting into our Constitution. A divorce could in fact cause a civil war. Debates could wind up being replaced with all-candidate versions of "The Newlywed Game." And the slightest confusion as to true marital status could lead to such anomalies as Genifer Flowers proclaiming an Al Haig-esque "I am in Control!" from the pages of the supermarket tabloids.

This seems like a good time for a disclaimer to the constitutionally concerned - relax. These are merely midnight musings made by an exhausted esquire-in-training. It isn't (very?) serious. And I've since thought better of calling that constitutional Convention for a week from Thursday.

The Gavel

Students Taking the Ohio Bar Examination for the First Time

<u>SCHOOL</u>	<u>1987</u>	<u>1988</u>	<u>1988</u>	<u>1990</u>	<u>1991</u>	<u>1992</u>
	Number of graduates passing the exam/Number of graduates taking the exam.					
<u>CAPITAL</u>						
Feb.	35/38	29/42	32/36	28/32	34/39	26/29
July	73/109	72/123	79/92	61/105	78/104	111/132
<u>CASE</u>						
Feb.	11/12	14/18	11/14	12/19	11/14	9/14
July	117/142	91/130	102/109	102/144	112/123	127/131
<u>C-M</u>						
Feb.	61/69	35/57	41/46	39/54	39/55	55/67
July	122/164	115/168	129/167	97/152	144/176	151/194
<u>OHIO NORTH.</u>						
Feb.	4/5	9/13	7/7	1/3	3/4	3/4
July	19/38	8/20	26/28	16/28	24/27	29/37
<u>OHIO STATE</u>						
Feb.	15/18	9/13	13/14	9/11	15/16	5/5
July	124/142	124/142	133/137	111/123	143/150	131/142
<u>AKRON</u>						
Feb.	43/48	28/29	30/37	21/29	22/25	18/20
July	80/92	64/100	83/98	55/105	85/107	81/92
<u>CINCY</u>						
Feb.	8/10	6/10	9/12	5/5	7/7	9/9
July	82/97	90/107	99/102	69/87	95/102	82/85
<u>DAYTON</u>						
Feb.	10/13	5/7	7/10	5/6	7/8	5/6
July	32/46	39/54	32/38	32/59	56/69	59/69
<u>TOLEDO</u>						
Feb.	41/49	30/43	22/26	28/36	19/25	21/23
July	83/99	55/86	68/75	64/80	78/87	81/89

<u>SCHOOL</u>	<u>1987</u>	<u>1988</u>	<u>1989</u>	<u>1990</u>	<u>1991</u>	<u>1992</u>
	Pass rate in per-cent.					
<u>CAPITAL</u>						
Feb.	92	69	89	88	87	90
July	67	58	86	58	75	84
<u>CASE</u>						
Feb.	92	69	89	88	87	90
July	82	70	94	71	91	97
<u>C-M</u>						
Feb.	88	61	89	72	71	82
July	74	68	77	64	82	78
<u>OHIO NORTH.</u>						
Feb.	80	69	100	33	75	75
July	50	40	93	57	89	78
<u>OHIO STATE</u>						
Feb.	83	70	93	82	94	100
July	87	87	97	90	95	92
<u>AKRON</u>						
Feb.	90	96	81	72	88	90
July	87	64	85	52	79	88
<u>CINCY</u>						
Feb.	80	60	75	100	100	100
July	84	84	97	79	93	96
<u>DAYTON</u>						
Feb.	77	71	70	83	88	83
July	70	72	84	54	81	86
<u>TOLEDO</u>						
Feb.	84	70	85	78	76	91
July	84	64	91	80	90	91

Source: Ohio State Supreme Court.

The Gavel

Students Repeating the Ohio Bar Examination

<u>SCHOOL</u>	<u>1987</u>	<u>1988</u>	<u>1989</u>	<u>1990</u>	<u>1991</u>	<u>1992</u>
	Number of graduates passing the exam/Number of graduates taking the exam.					
<u>CAPITAL</u>						
Feb.	14/24	16/36	43/62	8/20	45/40	21/29
July	5/14	16/29	13/17	4/10	6/10	3/7
<u>CASE</u>						
Feb.	6/11	13/20	29/38	3/19	34/45	13/18
July	0/5	3/10	8/10	3/11	6/14	1/4
<u>C-M</u>						
Feb.	23/37	28/54	44/75	13/37	48/80	26/61
July	4/19	11/41	22/34	5/37	13/37	9/37
<u>OHIO NORTH.</u>						
Feb.	11/16	6/13	10/14	2/8	11/16	4/5
July	1/3	5/10	5/7	0/4	3/5	0/1
<u>OHIO STATE</u>						
Feb.	4/7	9/15	12/17	3/8	12/13	6/8
July	2/6	2/8	3/6	3/7	3/4	1/2
<u>AKRON</u>						
Feb.	13/18	9/14	26/33	7/18	35/57	17/23
July	4/11	2/7	6/8	1/19	35/70	5/10
<u>CINCY</u>						
Feb.	8/10	9/11	14/17	1/5	11/16	3/6
July	0/1	6/7	5/9	2/4	4/5	1/3
<u>DAYTON</u>						
Feb.	2/4	8/10	11/14	3/6	20/23	7/13
July	2/3	2/4	4/8	0/2	5/8	3/8
<u>TOLEDO</u>						
Feb.	8/14	6/15	29/38	7/12	18/22	7/8
July	6/13	7/12	8/11	1/14	5/9	2/4

<u>SCHOOL</u>	<u>1987</u>	<u>1988</u>	<u>1989</u>	<u>1990</u>	<u>1991</u>	<u>1992</u>
	Pass rate in per-cent.					
<u>CAPITAL</u>						
Feb.	58	44	69	40	89	72
July	36	55	76	40	60	43
<u>CASE</u>						
Feb.	55	65	76	33	76	72
July	0	30	80	27	43	25
<u>C-M</u>						
Feb.	62	52	58	35	60	43
July	21	27	65	14	35	24
<u>OHIO NORTH.</u>						
Feb.	69	46	71	25	69	80
July	33	50	71	0	60	0
<u>OHIO STATE</u>						
Feb.	57	60	71	38	92	75
July	33	25	50	43	25	50
<u>AKRON</u>						
Feb.	72	64	79	39	61	74
July	36	28	75	5	50	50
<u>CINCY</u>						
Feb.	80	82	82	20	69	50
July	0	86	55	50	80	33
<u>DAYTON</u>						
Feb.	50	80	78	50	87	54
July	67	50	50	0	63	38
<u>TOLEDO</u>						
Feb.	57	40	76	58	82	88
July	46	33	73	7	56	50

Source: Ohio State Supreme Court.

CSU ALUMNI HONOR JURISTS

By Paul Kubek

Noted for her ability to explain constitutional rights in plain language, Judge Lesley Brooks Wells strives to empower every citizen with the ability to understand and participate in the law.

"We who are involved with the law have to make sure it's accessible to everyone," she said. "It's our system, not a system of the privileged. Everyone understands justice."

Wells, a member of the Cuyahoga County Court of Common Pleas, is a 1974 graduate of Cleveland-Marshall. She recently was awarded the CSU Alumni Award for Civic Achievement.

From her position on the bench, Judge Wells said she can see that the basic understanding of justice erodes when it is represented by inflated words and sentences. When the terms of an agreement are too difficult to understand, people feel that the law operates on them rather than for them, she said.

"As long as you say it in plain English, people are capable of understanding it," she said. "We select people as the juries for the toughest cases. We bring them in, give them a lesson in the law, and they do a very fine job."

In many ways, Judge Wells has used her civic vision to make the law work for the community at-large. She is a member of the Legal Aid Society. As a judge, Wells set aside a room in the Domestic Division of the Common Pleas Court so children of divorce cases could sit without being exposed to the disputes of the courtroom. She was recognized by the Women's City Club for this innovation. Wells has also been recognized for outstanding service by WomenSpace, which assists organizations like the Girl Scouts and the Rape Crisis Center.

This article first appeared in CSU's Perspective magazine

GRAD: continued from page 3.

ous issue-oriented pieces this year on Bill Clinton, George Bush and Ross Perot. He also said the network did detailed profiles on each.

Russert said NBC tried this year not to get too wrapped up in the shallow, "sound bite" journalism that is often served up by the candidates on the presidential campaign trail.

Russert said, for example, that unlike past elections, NBC didn't keep a correspondent assigned to the presidential campaign trail at all times. Although a film crew did stay on the campaign full-time, the correspondent would return to the newsroom after a few days on the trail.

"When the correspondent was on the campaign plane, they had no access to the candidate, and they were talking to other reporters," Russert said, explaining that the correspondent was reduced to simply reporting the candidates' staged appearances. By spending more time in the office, Russert said, correspondents could take time to analyze what the candidates were saying on the campaign trail.

This article first appeared in the Plain Dealer

By Paul Kubek

From the smoke of a Pennsylvania steel town to the gavel of the Federal Courthouse in downtown Cleveland, Judge George W. White has come a long way. But he never expected all of this to happen.

As a young man, he attended Baldwin Wallace College and began pursuing a business career. One day while selling cookware in Cleveland, he found himself in the home of two lawyers. After a long conversation, the couple didn't buy the pots and pans, but they did sell White on attending law school. He applied and was accepted at Cleveland-Marshall.

White, a 1955 C-M graduate, was recently awarded the CSU Alumni Lifetime Leadership Award.

After graduating from C-M, White began his long career helping the people of Greater Cleveland. He opened a general law practice and became a domestic relations referee in the Cuyahoga County Court of Common Pleas. As an attorney with the Legal Aid Society, White served from 1963 to 1968 as a Cleveland city councilman for the Lee-Harvard neighborhood.

White won election to a seat on the Cuyahoga County Court of Common Pleas in 1968. He served in that post until 1980 when he was appointed to the United States District Court for the Northern District of Ohio by then President Jimmy Carter.

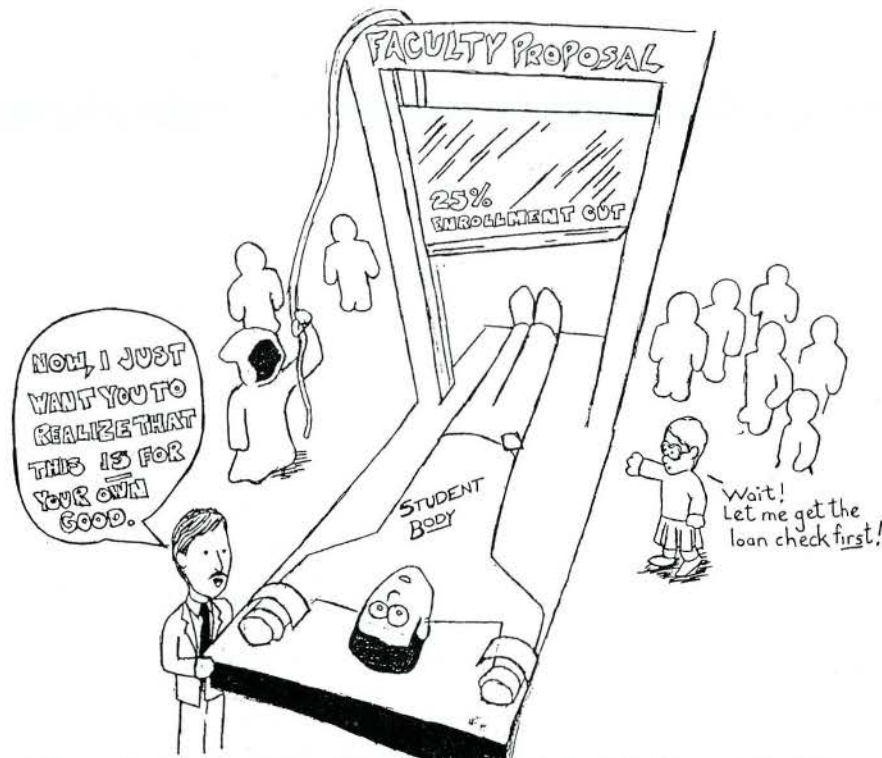
"I can never become complacent in my learning," White said. "I could remain on the bench the rest of my life and keep learning. Each case is important because it's important to people. One legal issue isn't more important than others. These are real issues, real problems. You're talking about people's lives, people's property."

Throughout his career, White worked hard at improving the quality of life in Northeast Ohio's black communities. He was instrumental in organizing the United Black Fund of Cleveland, Inc., which raises and grants money to non-profit groups such as the Cleveland Food Basket Program, the East Side Catholic Shelter and the Karamu House. This year, the UBF is funding 18 agencies that reach 45,000 persons.

Judge White, a UBF trustee, is also a long-time member of the C-M Alumni Association and was named its Alumnus of the Year in 1990.

This article first appeared in CSU's Perspective magazine





SANTA CLAUS FACED WITH LAWSUIT

By Jon Sinclair

Of course, no one ever said getting an interview with Santa was going to be easy. But when I saw him at a convention of toy makers in Vancouver, I knew I had to try. So as Santa walked by with a bunch of toy company agents in tow, I took him aside. In exchange for an interview, I told him I'd convince my brother not to sue him for the Silly Putty that's still stuck in his hair from the Christmas of '86.

Santa chuckled as he sat down to be interviewed. "I was just kidding about that lawsuit, Santa," I said. "No one sues Santa."

"I know you were kidding," Santa responded. "See I know the statute of limitations for every nation of the world. Have to, with toys being delivered all over."

"Ack!" I said. "You mean people sue ol' St. Nick?"

"Sure," he said. "This year has been full of all kinds of litigation for myself. Besides toy lawsuits, I'm being sued for residential roof damage caused by the sleigh, chimney stress fractures, wrongful discharge suits from those ungrateful little elves up North and the like. But it's the new suits that bother me. Like the sexual harassment suit filed by a lady in Minnesota."

"Gee," I said. "What brought that one on, Santa?"

"Well," he said, "all I did was wink at her last Christmas Eve when dropping off the toys. She was the one who gave me this big, wet kiss the Christmas before."

"You only winked, Santa? That's all?"

"Well...I may have, you know...invited her on a special sleigh ride, or something..." Santa mumbled under his breath. "Probably a little 'ho, ho, ho,'" I thought to myself.

Santa continued: "And then there's Rudolph's suit. I just know I warned that little boy not to touch Rudolph's nose. Of course, the shock knocked the little kid across the mall. But I don't worry. I'm well represented in court."

"You have counsel?" I asked Santa.

"Sure," he said. "You remember that little blond kid in Rudolph the Rednosed Reindeer? The kid who wanted to be a dentist? Well he was too short to lean over his patients and I convinced him to go to law school. He's been with me ever since. Up North they call him the Change Venue Master. And the judges love him, you know. Heck, even he judges watch those Christmas specials every year."

"Boy, it's getting late, gotta run Santa," I said.

"You said you go to Cleveland-Marshall?" Santa asked. "How would you like a whole series of Gilbert's this Christmas?"

"Aw, man, that'll be great, Santa," I responded.

And with that Santa was off, red suit and all, the toy salesmen right behind.

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The Gavel

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